

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

UNITED STATES OF AMERICA ) CR No.: 3:07-672-JFA  
                              )  
v.                           ) ORDER  
                              )  
ERIC DAVIS               )  
                              )  
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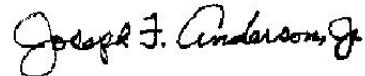
The defendant was sentenced in this court for an offense involving cocaine base (“crack”) and thereafter received a reduction in his sentence pursuant to Amendment 706 of the United States Sentencing Guidelines which slightly modified the sentencing disparity in sentencing between powder cocaine and crack cocaine.

The defendant now returns to this court with yet another motion to reduce his sentence, suggesting that the United States Attorney General has recently announced that the government will no longer oppose a 1:1 ratio for powder cocaine to crack cocaine.

It is clear that the policy announced by the Attorney General is prospective. In other words, the policy change does not impact or authorize reductions to previously imposed crack cocaine sentences beyond those authorized by Amendment 706.

The denial of the motion is without prejudice to the defendant’s right to refile the motion in the event that the newly-announced policy is made retroactive by the United States Sentencing Commission.

IT IS SO ORDERED.



Joseph F. Anderson, Jr.  
United States District Judge

December 29, 2009  
Columbia, South Carolina